In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 1243

LEO TOM HOPKINS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury trial in the United States District Court for the Northern District of Texas, petitioner was convicted of having transported a stolen car interstate, knowing it to have been stolen, in violation of 18 U.S.C. 2312. He was sentenced to eighteen months' imprisonment. The court of appeals affirmed (Pet. App. 1–11).

Petitioner contends that evidence of the vehicle identification number of the stolen car was illegally obtained and that a statement made to a Dallas police detective about the car, immediately following an interview about the same subject matter with an F.B.I. agent who had given petitioner the warnings under *Miranda* v. *Arizona*,

419-888——71

394 U.S. 436, should also have been suppressed. These contentions are fully answered in the thorough opinion of the court below.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

MARCH 1971.